relations at all with the separate States. Tribal Indians on a reservation are subject to the original tribal law as modified by the special United States statutes, but no State law is of any effect, although the reservation may be within the territorial limits of the State. This has been clear in regard to the laws of marriage, probate, or of personal property; as to these the tribal law has been frequently recognized. The recognition of it in regard to the descent of real property, as in this case, is rare, yet it is obviously entirely sound.

THE LIMITS OF RIPARIAN LAND. — As to the right of those who own land bordering upon a stream to the use or detention of the water of such stream, there are numerous decisions: that for domestic purposes (which includes the watering of stock as well as the necessities of the household) a riparian proprietor has a natural right to use all the water in the stream; that for business purposes (manufacture or irrigation) he may, in America, consume or detain his fair share of the water, even though this result is damage to a lower proprietor; that water so taken and detained must be for use on riparian land, — yet there is a singular lack of authority as to just what land may be called riparian. In a recent case in California, however, the question was brought squarely before the court. *Battegate* v. *Irvine*, 58 Pac. Rep. 442 (Cal., Sup. Ct. Com.). The defendant, whose land extended far back from the stream, was in the habit of conveying water from the stream across the watershed for his live-stock. The plaintiff, a lower proprietor who was inconvenienced, recovered judgment, on the ground that riparian rights cannot extend beyond the watershed of the stream. The reason given by the court is that land which contributes by drainage to the waters of a stream is entitled to the benefits derived from the stream, and ought not to be deprived of these benefits by land which in no wise drains into the stream. Hence, land beyond the watershed is not properly riparian. This reasoning seems adequate, although the rule laid down is rather indefinite as regards the actual extent of riparian land, which must vary according to the natural features of the district. When riparian right originated, in early times in England, there was neither such a scarcity of water, nor such an extensive use of it for domestic purposes. In applying it to the changed conditions in this country, therefore, it is well to keep the right strictly within limits. As regards the right to a fair share of the water for business purposes, which is allowed generally in this country, though not in England, the same reasoning applies. The rule in the present case, that riparian rights extend only to the watershed of the stream, being just and easy of application, would therefore seem to be sound law.

RIGHT OF SUPPORT. — The peculiar facts in the case of *Trinidad Asphalt Co.* v. *Ambard*, 81 L. T. Rep. 132, raise an open question. The parties were owners of adjoining lots on the island of Trinidad, under a large portion of which is a deposit of asphalt, which lies from four to six feet below the surface. The nature of this substance is such that its consistency varies with the temperature and the pressure to which it is subjected, and, having no angle of repose, it moves continually in the direction of least resistance. The defendant excavated on his lot so

that the asphalt oozed in that direction, and caused the plaintiffs' land to subside. It was admitted that the surface is of little value, for, owing to the constant movement, sinking is more or less frequent. The court held that the plaintiffs were entitled to recover. It took the position that since asphalt is a mineral — not water — the action would clearly lie for the violation of the natural right to support of land by adjoining land. It refused to consider the settled rule that no recovery may be had for the withdrawal of support of underground water, whether it be collected in a body, *Northeastern Ry. Co.* v. *Elliot*, 1 J. & H. 145, or dispersed through the soil, *Popplewell* v. *Hodkinson*, 4 Exch. 248, and evidently regarded those cases as anomalous. What the court would hold if the supporting substance had a density greater than water and less than asphalt does not appear, since they declined to discuss the question of degree. The defendant forcibly contended that the analogy here was more nearly that of water, because as supporting mediums both substances have the common property of instability. This view, broadly stated, looks not at the chemical composition of the stratum, but at its qualities of resistance. And, on principle, it would seem better to apply a test of this nature. 10 HARVARD LAW REVIEW, 183. Perplexing questions of degree are avoided by recognizing a general rule based solely upon the utility of the substance as a medium of support. If, then, the distinction between stable and unstable strata be sound, the mere fact that asphalt is a mineral — not water — is not conclusive. Moreover, in cases near the line local conditions may well be considered, as in *Hendricks* v. *Spring Valley Mining Co.*, 58 (Cal. 190 Cal., Sup. Ct.), where no action was allowed for removal of lateral support, because the adjoining lots were located chiefly for hydraulic mining purposes. So in the principal cases, since the chief value of the land was the asphalt deposit, the restrictive effect of the decision upon an important local occupation should have been regarded. On the whole, then, the court might well have reached an opposite result.

ACQUIESCENCE FOR DETECTION. — The owner of goods may give the most complete opportunities to a would-be burglar for the purpose of entrapping him — the act is none the less a burglary. But if he through an agent solicits the person suspected to commit the crime, there can be no criminality — though the felonious intent is present, the entry is not made *invito domino*. *Eggington's Case*, 2 Leach, 913. The only disputed point in this branch of the law is how far the owner can go in laying traps for the offender. In *State* v. *Abley*, 80 N. W. Rep. 225 (Iowa), a town marshal incited the defendant to commit a burglary, obtained a key of the premises from a clerk without the knowledge of the owner for the defendant to duplicate, and informed the clerk of his plan to entrap. The owner, warned by the town marshal, procured the arrest of the defendant as he was leaving with the stolen goods. The defendant was convicted of burglary. The court sustained the conviction, seeming to base its decision entirely on the fact that the owner remained absolutely passive, and the inference is that otherwise the result would have been different. Though this view has some support from the authorities, *Williams* v. *State*, 55 Ga. 391, yet the better view, and the one generally adopted is, that so long as the owner did not induce the original intent, but only provided for its discovery after it was formed, the criminality of